

### **REMARKS**

This application has been reviewed in light of the Office Action dated August 23, 2005. Claims 1, 2, 4-23 are pending in the application. Claim 1 is amended in a manner that Applicants believe overcomes the rejections in the Office Action. Claim 3 is withdrawn. Applicants believe that the originally submitted claims are patentable over the materials relied upon by the Examiner. However, claim 1 is amended for clarification purposes only. Support for the amendment can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicants are believed to be entitled. Applicants submit that no new matter or issues are introduced by the amendment.

Initially, Applicants gratefully acknowledge the allowability of the subject matter recited in claims 17-23. Applicants, however, respectfully submit that in view of the amendments and remarks herein, all claims presently pending in the application are allowable.

#### **Drawings**

In the Office Action, the drawings were objected to because:

- on page 12 line 12, reference numeral “34” is not shown in Figures 1-7;
- on page 16, line 5, reference numeral “58” is not shown.

Applicants respectfully submit that reference numeral “34” is shown in Figure 5, and the reference numeral “58” is shown in Figure 6. Therefore, no corrections to the drawings are necessary.

#### **Specification**

The specification has been amended to correct the reference numeral for the inner bearing “24”.

#### **Claim Rejections – 35 U.S.C. § 102**

In the Office Action, claim 1, 2, 8-10, and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No 6,623,458 to Woehr et al. (Woehr '458).

However, it is respectfully submitted that amended claim 1 clearly and patentably distinguish over the Woehr '458 patent.

Referring to FIGS. 3a through 3c, Woehr '458 shows a spring clip assembly 16 inside a housing 50 which is ejected distally along a needle by means of a coil spring 21. The transverse wall portions 94a and 94b engage to block the needle tip 22 when the spring clip assembly 16 reaches the end of the needle 1 (col. 8, lines 35-67).

In contrast, amended claim 1 of the present application recites, *inter alia*, “[a] medical needle shield apparatus comprising . . . a wedging portion movable with said inner bearing for wedging against said needle to secure the distal end of said needle within the second interior space in the extended position, wherein said wedging portion includes a cam surface which engages a sidewall of said outer bearing to pivot said wedging portion when said inner portion is moved along said longitudinal axis.”

The Woehr '458 patent in no way discloses or suggests structure as recited in claim 1. The Woehr '458 patent does not disclose, *inter alia*, a medical needle shield apparatus comprising a wedging portion movable with the inner bearing for wedging against the needle to secure the distal end of the needle within the second interior space in the extended position, wherein the wedging portion includes a cam surface which engages a sidewall of the outer bearing to pivot the wedging portion when the inner portion is moved along the longitudinal axis.

Because of the above distinctions, it is respectfully submitted that claim 1 is patentable and not obvious over the Woehr '458 patent. For the same reasons, claims 2, 4-16 are allowable since the claims depend upon claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.


In view of the foregoing amendments and remarks, it is respectfully submitted that the drawings, specification, and claims 1, 2, 4-23, presently pending in the application are believed to be in condition for allowance. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees that may become due at any time during the pendency of this application, or credit any over payment of such fees to deposit account no. 19-3542. Also, in the event that any extensions of time for responding are required for the pending application, please treat this paper as a petition to extend the time as required and charge deposit account no. 19-3542 therefor.

Respectfully submitted,

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By:   
Paul S. Evans  
Reg. No. 36,130  
Customer No. 26152  
Attorney for Applicants

Mailing Address:

SHPI, Inc.  
585 West 500 South  
Bountiful, UT 84010  
Tel: 801-298-3360  
Fax: 801-298-1759